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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,066	03/20/2001	Ruediger Bartz	951/49329	9690
23911	7590	10/05/2004	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			BROWN, VERNAL U	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/700,066

Applicant(s)

BARTZ ET AL.

Examiner

Vernal U Brown

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

This action is responsive to communication filed on July 6, 2004.

#### ***Response to Arguments***

Applicant's arguments filed July 6, 2004 have been fully considered but they are not persuasive.

Regarding applicant's argument regarding that Toal, Jr. and Kuipers are transmitters, it is the examiner's positions that the reference of Saito et al. is relied upon for teaching a transponder having an antenna used for locating a vehicle (col. 4 lines 44-55) that both transmits and receives. Saito et al. further teaches rotating the antenna to provide coverage in all direction (col. 4 lines 44-56). What's missing from Saito is using plural antennas to provide coverage in all directions. The combination of the reference of Toal, Jr. and the reference of Kuipers is relied upon for teaching providing coverage in all direction by using plural antennas in order to locate an object. Toal, Jr. and Kuipers are not relied upon for teaching transmitters and receivers. Saito already teaches this concept.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. U.S Patent 4673921 in view of Toal, Jr. U.S Patent 4797671 and further in view of Kuipers U.S Patent 4742356.

Regarding claim 5, Saito et al. teaches a mobile transponder (figure 1A) for a vehicle with an optical indicator (col. 3 lines 35-36), the mobile transponder comprises: evaluation logic (21) for providing output information concerning direction and location of the vehicle (col. 3 lines 30-35) and a display for displaying information concerning the location of the vehicle (col. 4 lines 44-55). Saito et al. teaches an antenna (17) for recognizing the signal from the vehicle (col. 3 line 35) but is however silent on teaching a plurality of antennas having three-dimensional directional characteristics for recognizing a signal from the vehicle. Toal, Jr. in an art related invention in the same field of endeavor of motor vehicle locator system teaches a vehicle location system in which the transmitter transmits omnidirectional signal (col. 3 line 67-col. 4 line 2) which is considered three-dimensional because it transmit signal in all direction (x, y, and z) but is also silent on teaching the use of a plurality of antennas. Kuipers in an art related invention for determining the location of an object teaches the use of a plurality of three-dimensional antennas for determining the location of an object (col. 2 lines 45-49).

It would have been obvious to one of ordinary skill in the art to have a plurality of antennas having three-dimensional directional characteristics for recognizing a signal from the vehicle in Saito et al. as evidenced by Toal, Jr. in view of Kuipers because Saito et al. suggests an antenna recognizing the signal from the vehicle and Toal, Jr. teaches vehicle location system in which the transponder (transmitter) transmits omni directional

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signal and Kuipers further teaches the use of a plurality of three-dimensional antennas for determining the location of an object.

Claim 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. U.S Patent 4673921 in view of Toal, Jr. U.S Patent 4797671 in view of Kuipers U.S Patent 4742356 and further in view of Culpepper et al. U.S 5657026.

Regarding claims 6-7, Saito et al. in view of Toal, Jr. in view of Kuipers teaches providing location information (U.S Patent 4673921, col. 3 lines 33-36) but is silent on teaching providing an indication of the distance of the vehicle from the mobile transponder. Culpepper et al. in an art related Beacon Signal Receiving System teaches providing an indication of the distance of the vehicle from the mobile transponder (col. 3 lines 24-30) in order to provide additional location information to the user.

It would have been obvious to one of ordinary skill in the art to provide an indication of the distance of the vehicle from the mobile transponder in Saito et al. in view of Toal, Jr. in view of Kuipers as evidenced by Culpepper et al. because Saito et al. in view of Toal, Jr. in view of Kuipers suggests providing location information and Culpepper et al. teaches providing an indication of the distance of the vehicle from the mobile transponder in order to provide additional location information to the user.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-6:30 Monday-Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Vernal Brown  
October 4, 2004

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
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